

Appl. No.: 10/806,663

Applicant : Yaron Mayer

Reply to Office action of Jan. 31, 2007

REMARKS/ARGUMENTS

1. Regarding the drawings I respectfully submit that the drawings do not contain improper shadings. The only drawings which might be relevant to this are figs. 3a & 3b, and I respectfully submit that they contain sample photographs of the items being sold – in the case of Fig. 3a these are photos of 5 book covers, and in the case of Fig. 3b it is a photo of a laser printer. In addition, I respectfully submit that to the best of my understanding the photo of the printer in Fig. 3b is very clear and does not contain any shading except for 2 very small areas of natural shadow in the photo itself, and in fact removing this shadow will make the photograph less clear and less intelligible. Similarly, I respectfully submit that the book cover photos on Fig. 3a do not contain improper shading since they are merely photographs of said book covers, and it is not important what exactly is in them since the reader merely has to understand that these are photographs of sample books being sold, and any text or image within the book cover is not important and has nothing to do with the invention itself. In addition, I respectfully submit that since these are real photographs of actual sample items, any manual removal of shading will simply distort the image and will not make the figures any more clear, since as explained above, the exact text and/or images within these photos of sample book covers are completely irrelevant. However, to be on the safe side, I have temporarily replaced the actual photographs of the book covers and of the printer with a marking that indicates that there is preferably an image of the item there, as was already done for example in Fig. 3b, for all the other items except the first sample item.
2. Regarding the hyperlinks in the specification, I respectfully submit that these are not browser-executable code since the specification was submitted printed on paper and was scanned optically at the USPTO into a graphic

image and therefore it is impossible for it to contain any executable code. It merely looks like underlined hyperlinks, as should be in order to make it clear that these are hyperlinks, but there is no executable code there.

And in fact, even if it had been submitted electronically there would be no executed code there since, again, it is scanned into the USPTO database as a graphic image. However, since I understand from MPEP 608.01 that textual hyperlinks can become automatically clickable when displayed as text in the USPTO textual publication of the application, I have removed the “http://” part from the links so that they do not become automatically clickable and removed completely the links where not necessary.

3. Regarding the trademarks, there is a already capital letter at the beginning of such names, but I respectfully submit that it would be confusing to capitalize the entire words unless it is a name of a trademark or company which is indeed normally used with all-capitals (typically where the name is composed of initials), such as for example IBM, since otherwise it would be confusing to the reader. However, since I understood from you in our phone conversation of May 29, 3007 that there is indeed such a requirement even if the real trademark contains a capital letter only in the beginning of the word, I have corrected the trademarks accordingly.
4. Regarding to your claim rejections, first of all I would like to point out that eventhough for some reason it is apparently missing from the PAIR record, I already submitted amended claims in my reply of Aug, 9. 2004, as indicated in the new OIPE notice of Oct. 15, 2004. In these amended claims I deleted claims 2-21, so now only claims 1 & 22-42 are actually pending
5. Regarding the rejection of claims based on clarity, I have amended the claims accordingly. Regarding claims 26, 27 & 34, I have added to these claims a limitation that the relevant chosen feature indeed exists, and therefore these claims are no longer indefinite, and therefore these claims should now also be considered.

6. Regarding the rejection of claims 1-8, 10, 12-29, 31 & 33-42 as being anticipated by US application 2002/0178014 by Alexander, Alexander does not teach generating non-optimal solutions, and the words “acceptable maximum deviation” or “acceptable boundaries” and even the word “acceptable” alone does not appear anywhere in his application and even the word “deviation” alone does not appear anywhere in his application, and there is no reference to upper bound and lower bound, and also the word “heuristics” does not appear anywhere in his application. To be on the safe side and in order to make the difference even more clear, I have added to the independent claims the further limitation that the system generates at least one acceptable or near-optimal offer which is not necessarily the optimal solution. And since the independent claims should now be allowed, the dependent claims should also be allowed, since they recite additional patentable matter over the independent claims. In addition, Alexander does not mention for example offering the users aggregation services or deciding automatically when to order at least some of the items directly from the manufacturer or from the distributor instead of from any of the vendors.
7. Regarding the rejection of claim 30 as being obvious over Loveland (US application 20010027404), I respectfully submit that this is irrelevant, since the independent claims should be allowed, and therefore claim 30 should also be allowed since it is merely a dependent claim. Similarly, regarding the rejection of claim 32 as being obvious over the official notice, I respectfully submit that this is irrelevant, since the independent claims should be allowed, and therefore claim 32 should also be allowed since it is merely a dependent claim, since the dependent claims recite additional patentable matter over the independent claims.
8. In addition, I would also like to point out again that the present application is much more sophisticated and with much more features and much more advance over the prior art than the application by Alexander, and yet he got the patent, so the present application should also be granted.

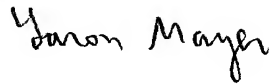
Therefore, in view of the above, I respectfully request that a timely notice of allowance be issued in this case and that the finality of the current office action be withdrawn. However, I would appreciate it very much if you could contact me in advance (for example by phone to 972-2-5665072 or by email to aron@vms.huji.ac.il) before issuing the notice of allowance in order to give me a chance to make final adjustments in the claims.

Also, if there are further issues that need clarification I would appreciate it very much if you contact me before issuing a further office action.

Respectfully submitted,

Yaron Mayer

/Yaron Mayer/

A handwritten signature in black ink that reads "Yaron Mayer". The signature is written in a cursive, slightly slanted style.